

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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SYLVIA ROYCE )  
LAW OFFICE OF SYLVIA ROYCE )  
5614 Connecticut Avenue, NW )  
#285 )  
Washington, DC 20015, )  
Plaintiff, )  
v. )  
U.S. DEPARTMENT OF JUSTICE )  
950 Pennsylvania Avenue, NW )  
Washington, DC 20530, )  
Defendant. )  
)

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No. 19-

COMPLAINT

Plaintiff brings this action against the United States Department of Justice to compel its compliance with the Freedom of Information Act, 5 U.S.C. § 552 (FOIA).

JURISDICTION AND VENUE

1. The district court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

1. Plaintiff is a member of the District of Columbia Bar, with a specialty in international prisoner transfer. Plaintiff is a former chief of the international prisoner transfer unit, which is a part of the Office of International Affairs, Criminal Division, U.S. Department of Justice.

Plaintiff is frequently approached by foreign nationals, their families, and their governments with questions about international prisoner transfer, and especially about the approval and denial rates of applications.

2. Defendant U.S. Department of Justice (DOJ) maintains statistics about the approvals and denials of international prisoner transfer applications, and is required by law to submit them to Congress annually.

3. These reports and statistics have routinely been made available to requesters in the past without redaction.

**STATEMENT OF FACTS**

1. On December 17, 2018, Plaintiff submitted a FOIA request by certified mail to Defendant, seeking these statistics and the annual report to which they are usually attached, for FY 2017.

2. In an E-Mailed letter dated February 8, 2019, Defendant acknowledged receiving Plaintiff's request. Defendant's letter stated that the request had been assigned CRM-300688805.

3. As of the date of this Complaint, Defendant has failed to (a) produce the requested records, or demonstrate that the records are lawfully exempt from production, (b) notify plaintiff of the scope of any responsive records it intends to withhold, and the reasons for any withholdings; or (c) advise Plaintiff that she may appeal an adverse determination.

**COUNT 1**

**Violation of FOIA, 5 U.S.C. § 552**

1. Plaintiff realleges the above paragraphs as if fully stated herein.

2. Plaintiff and her clients are harmed by Defendant's violation of the FOIA, because the lack of transparency in the international prisoner transfer program makes it difficult to assess the chance of success of any potential applicant.

3. Because Defendant failed to comply with Plaintiff's request within the time periods required by the FOIA, Plaintiff is deemed to have exhausted her administrative appeal remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

WHEREFORE, Plaintiff respectfully requests that this Court (1) order Defendant to produce, by a date certain, any and all non-exempt records that are responsive to Plaintiff's FOIA request, and a Vaughn index of any responsive records withheld under claim of exemption; (2) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request, and (3) grant Plaintiff such other relief as this Court deems just and proper.

Dated: November 5, 2019

Respectfully submitted,

/s/ Sylvia Royce   
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*Plaintiff and Counsel*